

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRINA BRITAIN, et al.,

Plaintiff(s),

vs.

CLARK COUNTY, NEVADA,

Defendant(s).

Case No. 2:12-cv-01240-JAD-NJK

ORDER

(Docket No. 151)

There is a dispute in this case over which attorneys represent various Plaintiffs. *See, e.g.*, Docket No. 147. The Court issued an order in pertinent part explaining that: (1) attorneys Adam Levine and Daniel Marks have been appointed as interim class counsel and are currently the attorneys of record and, (2) to the extent any plaintiffs or other attorneys wish to change the *status quo*, they must file an appropriate request for relief (including a request for substitution counsel) by September 30, 2016. *Id.*

Now pending before the Court is a motion for clarification as to whether the Court is requiring the filing of “stipulations” for substitution signed by all counsel. *See* Docket No. 151.¹

¹ Mr. Levine and Mr. Marks now opine that a stipulation for substitution would be improper, *see* Docket No. 151 at 3, but they previously complained that “no substitution of counsel forms have ever been presented for signature by the Law Office of Daniel Marks” with respect to the named plaintiffs. Docket No. 145 at 3. They also acknowledged that these plaintiffs have the “right” to drop them as their counsel. *See id.* As such, it does not appear there is any dispute that various plaintiffs can decide they do not want to be represented by Mr. Marks and Mr. Levine. The dispute appears to be limited to the consequences of that action.

1 To avoid any confusion moving forward, the Court will modify its order as follows. At this time,
2 attorneys Adam Levine and Daniel Marks have been appointed as interim class counsel and are the
3 attorneys of record. To the extent any plaintiffs or any attorneys wish to change the *status quo*, they
4 must file, by October 6, 2016, a motion or motions clearly indicating the relief they seek (*e.g.*, to
5 substitute new counsel, to have different attorneys appointed as class counsel, to be relieved of their
6 duties as a representative plaintiffs, etc.). The motion(s) shall be supported properly by points and
7 authorities. Mr. Levine and Mr. Marks shall then respond to the motion or motions, and may also
8 file any appropriate counter-motions.² The motions shall be briefed according to the default schedule
9 in Local Rule 7-2.

10 The motion for clarification is therefore **GRANTED** in part.

11 IT IS SO ORDERED.

12 Dated: September 29, 2016

13
14 
15 _____
16 NANCY J. KORPE
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26

27 _____
28 ² Defendant is also permitted to respond to any motion or counter-motion as it deems appropriate.